

Application No. 10/735,607
Amendment dated January 12, 2006
Reply to Office Action dated December 14, 2005

Docket No.: 60427 (72021)

REMARKS

Applicants request reconsideration of the subject application based on the following election, remarks and proposed scope of the invention.

Claims 41, 46, 48-67, and 69-72 are currently pending in the instant application. Claims 88-94 have been withdrawn from consideration. Claims 42-45, 47 and 102 have been cancelled as directed to non-elected subject matter. Applicants reserve the right to pursue the cancelled subject matter in this or a subsequent application. Support for the amendment to claims can be found in the claims as originally filed and throughout the specification. No new matter has been added by the claim amendments.

In response to the Restriction Requirement, Applicant elects Group 4, claims 41, 42, 46, 48-67, and 69-72 (in part), drawn to compounds of the Formula depicted in claim 41 in which V, X, Z are N and W and Y are CR₁, and a pharmaceutical compositions comprising said compounds. The present election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter of the application. Applicant reserves the right to file divisional application(s) on the non-elected claims.

The Restriction Requirement limits the compounds of Group 4 to those compounds in which W and Y are CH. However, claim 41 provides compounds in which W and Y are CR₁, where R₁ is hydrogen or various non-hydrogen residues (e.g., halogen, hydroxy, cyano, amino, C₁-C₆alkyl, haloC₁-C₆alkyl, C₁-C₆alkoxy, haloC₁-C₆alkoxy, C₁-C₄alkoxycarbonyl and mono- and di-(C₁-C₆alkyl)amino).

Applicants respectfully request that Group 4 be reformulated to include compounds of claim 41 in which W and Y are CR₁ and V, X, and Z are N.

Applicants request rejoinder of the method claims of commensurate scope to the composition of matter claims upon allowance of claims directed to the elected invention. Claim 88 provides methods of treatment of pain by administration of a compound of claim 41. Claim 41 has been amended to exclude non-elected subject matter. Thus, the scope of claim 88 as presented is commensurate to the scope of claim 41.

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Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: January 12, 2006

Respectfully submitted,

By 

John B. Alexander, Ph.D.

Registration No.: 48,399

EDWARDS ANGELL PALMER & DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 439-4444

Attorneys/Agents For Applicant